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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT IN ANCHORAGE

SAM ALLEN,)
)
Plaintiff,)
)
vs.)
)
CORNELIUS AARON PETTUS, JR,)
DEORMAN LEVI STOUT and)
MUNICIPALITY OF ANCHORAGE,))
)
Defendants.)

COPY
Original Received

APR 28 2021

Clerk of the Trial Courts

Case No. 3AN-21-5572CT

COMPLAINT

COMES NOW the plaintiff, SAM ALLEN., by and through his attorneys Barber & Associates, LLC, and for his Complaint against defendants CORNELIUS AARON PETTUS, JR, DEORMAN LEVI STOUT, and the MUNICIPALITY OF ANCHORAGE, hereby states and alleges as follows:

THE PARTIES

1. At all times material hereto, the plaintiff was and is a resident in the Third Judicial

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District.

2. At all times material hereto, defendant Cornelius Aaron Pettus Jr was and is a resident of the Third Judicial District.
3. At all times material hereto, defendant Deorman Levi Stout was and is a resident of the Third Judicial District.
4. At all times material hereto, the Municipality of Anchorage was and is a municipality in the Third Judicial District.

JURISDICTION & VENUE

5. This Court has jurisdiction over this matter pursuant to AS 22.10.020.
6. Venue is proper because the plaintiff's causes of action accrued within the Third Judicial District.

GENERAL ALLEGATIONS

7. On October 31, 2019, Cornelius Pettus Jr and Deorman Stout were on duty working as police officers for the Municipality of Anchorage.
8. Officers Pettus and Stout delivered citations for a bicycling violation to the plaintiff at his home.
9. When Mr. Allen cursed at Officer Pettus, Officer Pettus approached the plaintiff and grabbed his phone.
10. The plaintiff was standing in a neutral stance with his hands by his side.

11. Officer Pettus punched the plaintiff in his jaw.
12. Officer Pettus kicked at the plaintiff's groin.
13. Officer Pettus threatened the plaintiff: 'What's up, what's up, you want some more?'
14. Officer Pettus accused the plaintiff of fighting with him.
15. Officer Pettus used Oleoresin Capsicum (pepper spray) on the plaintiff.
16. Officer Pettus took the plaintiff to the ground.
17. Officer Pettus handcuffed the plaintiff.
18. Officer Pettus arrested the plaintiff.
19. Officer Stout witnessed the incident.
20. Officer Stout failed to intervene or assist the plaintiff.
21. Officer Stout assisted Officer Pettus in arresting the plaintiff.
22. Officer Pettus wrote a false report indicating that the plaintiff attempted to fight him.
23. Officer Pettus and Officer Stout arrested the plaintiff for assault, disorderly conduct and resisting arrest.
24. The plaintiff told numerous officers that Officer Pettus took his phone and punched him without reasonable basis.
25. The defendants incarcerated the plaintiff in jail for several days.
26. Officer Stout knew or should have known that the report was false.
27. The defendants unlawfully arrested the plaintiff.

28. In their attempt to cover-up their illegal and unconstitutional conduct, defendants filed one or more false reports suggesting that their conduct was somehow justified.

29. The Municipality of Anchorage was responsible for reasonably hiring, training, supervising and retaining police officers like Officer Stout and Officer Pettus.

30. The Municipality of Anchorage failed to reasonably hire and/or train and/or supervise and/or retain Officer Pettus and/or Officer Stout.

31. The Municipality of Anchorage failed to promptly and reasonably investigate the plaintiff's report of Officer Pettus grabbing his phone and punching him without a reasonable basis.

32. Officer Pettus and/or Officer Stout lied when asked about what happened in the incident.

33. The defendants actions and/or failures to act described above caused the plaintiff to suffer serious harm for which the defendants are liable including past and/or future: pain, suffering, emotional distress, loss of capacity for enjoyment of life, inconvenience and other non-pecuniary damages to be more fully set forth at trial, all in an amount greater than \$100,000 (ONE HUNDRED THOUSAND DOLLARS), the exact amount to be set by the trier of fact.

CAUSES OF ACTION

a. CLAIMS AGAINST OFFICERS PETTUS AND STOUT

32. Plaintiff repeats and incorporates herein paragraphs 1 - 33.
33. Officers Pettus and Stout were agents of the Municipality of Anchorage.
34. Officers Pettus and Stout were acting under color of law in the course and scope of their duties for the Municipality of Anchorage they unlawfully interacted with the plaintiff and arrested him in violation of his civil rights and then attempted to cover up their illegal and unconstitutional conduct.
35. Officers Pettus and Stout's acts were done outside of their lawful authority or discretion.
36. By unlawfully using excessive force and arresting the plaintiff, Officers Pettus and Stout violated the plaintiff's Fourth Amendment right against unlawful seizure.
37. By failing to intervene to prevent Officer Pettus from illegal seizing the plaintiff and using excessive force, Officer Stout violated the plaintiff's civil rights.
38. By submitting false reports related to their behavior, Officers Pettus and Stout attempted to cover up their unconstitutional conduct and obstruct justice. By doing so, they violated plaintiff's civil rights.
39. As a result of Officer Pettus and Stout's outrageous, illegal, unconstitutional and unlawful conduct, the plaintiff suffered serious physical, emotion and psychological injuries.
40. Officers Pettus and Stout are liable to plaintiff for damages pursuant to 42. U.S.C. § 1983.

41. Officers Pettus and Stout are liable to plaintiff for attorney's fees and litigation expenses pursuant to 42. U.S.C. § 1988.
42. Officers Pettus and Stout's negligence, gross negligence and/or reckless and/or intentional misconduct were substantial factors in causing serious physical, emotional and psychological injuries to the plaintiff.
43. Officer Pettus is liable to the plaintiff for intentional infliction of emotional distress.
44. Officer Pettus and Stout's acts were done corruptly, maliciously, and in bad faith.
45. Officer's Pettus and Stout are liable for false imprisonment.
46. Officer Pettus is liable to the plaintiff for assault.
47. Officer Pettus is liable to the plaintiff for battery.
48. Officers Pettus and Stout are liable for exemplary and/or punitive damages for conduct evidencing reckless disregard to the interests of the plaintiff and/or outrageous conduct.
49. Officers Pettus and Stout engaged in reckless and capricious conduct that was unreasonable and was with deliberate indifference and/or shocks the conscience.

b. MUNICIPALITY OF ANCHORAGE

50. Plaintiff incorporates by reference the allegations in paragraphs 1-33.
51. The Municipality owed a duty to exercise reasonable care towards the plaintiff.
52. The Municipality is liable for the actions and/or failures to act of Officers Pettus and

Stout, and its other employees under theories of vicarious liability and/or agency and/or respondeat superior and/or aided-in-agency.

53. The Municipality breached its duty of reasonable care to the plaintiff by negligently and/or gross negligently and/or recklessly failing to reasonably hire and/or train and/or supervise and/or retain Officers Pettus and Stout which were substantial factor in causing harm to the plaintiff for which the Municipality is liable.

54. The Municipality breached its duty of reasonable care to the plaintiff by negligently and/or gross negligently and/or recklessly failing to promptly and/or reasonably investigate plaintiff's report of Officer Pettus punching him without reasonable basis which was a substantial factor in causing harm to the plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

1. For judgment against the defendants in excess of \$100,000, the precise amount to be decided by a jury;
2. For an award of punitive damages as allowed by law;
3. For an award of damages for violation of his civil rights;
4. For the imposition of vicarious liability as allowed by law or equity;
5. For pre-judgment and post-judgment interest, attorneys' fees, and costs incurred in this matter;

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6. For such other relief as this court deems just and equitable.

DATED at Anchorage, Alaska this 27 day of April, 2021.

BARBER & ASSOCIATES, LLC
Counsel for Plaintiff

By: 

JEFF BARBER
AK Bar #0111058

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